DOCKET NO.: ABME-0806/B970162
Application No.: 10/676,479
Office Action Dated: 03/27/2008

PATENT
REPLY FILED UNDER EXPEDITED
PROCEDURE PURSUANT TO
37 CFR § 1.116

REMARKS

This is in response to the Office Action dated 3/27/08. This response accompanies a Request for Continued Examination under 37 C.F.R. § 1.114.

Double Patenting

Claim 17 stands rejected on the ground of nonstatutory double patenting over claims 1-6 of U. S. Patent No. 6,684,245 and claims 1-10 of U. S. Patent No. 6,073,169. The applicants have submitted a Terminal Disclaimer to obviate this rejection.

Rejection Under 37 C.F.R. § 103

Claims 17-22 remain rejected under 35 U.S.C. § 103(a) as being unpatentable over Johnson et al. (US 5,963,146) in view of Suzuki et al. (US 5,892,912). The rejection appears to be based on the assertion that Johnson et al., together with Suzuki et al., teach the claimed "grouping" together of a plurality of nodes and gateways to implement non-interfering data transfers. With respect, the applicants submit that in maintaining the present rejection, the Examiner has failed to properly construe the terms "group of noninterfering nodes" and "sets of noninterfering gateways," as those terms are expressly defined in the present specification. In order to move prosecution forward, the applicants have amended claim 17 to expressly incorporate those definitions from the specification into the claim. Reconsideration of the rejection is respectfully requested in view of those amendments and the following remarks.

While the Johnson reference does recognize the potential for interference when multiple meters transmit data on the same channel, it does not solve the problem by grouping nodes to define "groups of noninterfering nodes" and "sets of non-interfering gateways" and then "broadcasting a request for meter data sequentially to each group of non-interfering nodes," as claimed. Rather, as described in the cited portion, Johnson attempts to solve the interference problem by having each meter introduce a random delay before transmitting, so that not all of the meters transmit at the same time. *See*, col. 8, ll. 39-42 ("[a]larm signals may be transmitted several times with random delays. This avoids interference among alarm messages if many alarms occur simultaneously....") and col. 8, ll. 54-62 ("[a]fter preparing the packet of data for transmission, the controller ... is arranged to hold the data packet for a

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random period of time …. In this way each of the [meters] is arranged to transmit at a random time."). Creating random transmission times, as taught by Johnson, is different from the claimed grouping function.

As explained in prior responses, unlike Johnson, the claimed invention reduces "interference by controlling the number of meters that transmit at one time." Spec., p. 13, ll. 17-18. Specifically,

> the nodes [of the system] may be grouped together to form groups of nodes and the gateways may be grouped together to form sets of gateways. By selecting one node from each group of nodes, the selected nodes can be formed into a group of noninterfering nodes as is explained in detail below. Similarly, by selecting one gateway from each set of gateways, the selected gateways can be formed into a set of noninterfering gateways as also explained in detail below. (Spec., p. 11, ll. 15-21)

A "group of noninterfering nodes" is expressly defined as:

> one in which: (a) no inbound transmission from any node in the group interferes with any inbound transmission from any other node in the group; and (b) no inbound transmission from any meter associated with any node in the group interferes with any inbound transmission from any meter associated with any other node in the group. (Spec., p. 11, ln. 31 – p. 12, ln. 3)

Similarly, a "group of noninterfering gateways" is expressly defined as:

> one in which: (a) no inbound transmission from any node associated with any gateway in the group interferes with any inbound transmission from any node associated with any other gateway in the group; and (b) no inbound transmission from any meter associated with any node associated with any gateway in the group interferes with any transmission from any meter associated with any node associated with any other gateway in the group. (Spec. p. 12, ll. 18-23

Although the applicants respectfully submit that it was unnecessary to incorporate these express definitions into claim 17 (*see*, MPEP § 2106 (II) (C)), in the interests of moving prosecution forward, the applicants have incorporated those definitions into the claim such that they are now expressly recited.

Once groups of noninterfering nodes and groups of non-interfering gateways are identified in the now expressly claimed manner, the server can send read commands sequentially to each group of non-interfering nodes or to each group of non-interfering gateways and receive meter data from a given group in a manner that ensures that

transmissions from the nodes or gateways in that group will not interfere with each other. *See*, spec. at p. 11, ll. 22-30.

None of the cited references teaches or suggests defining "groups of noninterfering nodes" or "groups of noninterfering gateways," **as those terms are now *expressly* defined in claim 17**, nor do any of the references teach or suggest "broadcasting a request for meter data *sequentially* to each group of non-interfering nodes." Consequently, the applicants submit that claim 17 patentably defines over the cited art. Inasmuch as the remaining claims depend from claim 17, they too patentably define over the cited art of the same reasons. Reconsideration of the Section 103(a) rejection of claims 17-22 is respectfully requested.

CONCLUSION

For all the foregoing reasons, the applicants respectfully submit that the present application is now in condition for allowance.

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